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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/599,354	09/26/2006	Hedi Slimane	28944/50050	7274
	7590 01/20/2010 THIAS & HULL	0	EXAMINER	
ONE NORTH I	FRANKLIN STREET		PUROL, SARAH L	
SUITE 2350 CHICAGO, IL 60606			ART UNIT	PAPER NUMBER
			3637	
			NOTIFICATION DATE	DELIVERY MODE
			01/20/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

lrudaitis@MILLERMATTHIASHULL.COM

	Application No.	Applicant(s)				
Office Action Comments	10/599,354	SLIMANE, HEDI				
Office Action Summary	Examiner	Art Unit				
	Sarah Purol	3637				
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply						
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).						
Status						
1)⊠ Responsive to communication(s) filed on <u>01 Oc</u>	stohor 2000					
· <u> </u>	, 					
						
closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.						
Disposition of Claims						
4)⊠ Claim(s) <u>1,2 and 4-8</u> is/are pending in the appli	4) Claim(s) 1.2 and 4-8 is/are pending in the application.					
4a) Of the above claim(s) is/are withdrawn from consideration.						
5) Claim(s) is/are allowed.						
6)⊠ Claim(s) <u>1,2 and 4-8</u> is/are rejected.						
7) Claim(s) is/are objected to.						
· · · · — · ·	·					
8) Claim(s) are subject to restriction and/or election requirement.						
Application Papers						
9) The specification is objected to by the Examine	r.					
10) ☐ The drawing(s) filed on is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.						
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).						
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).						
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.						
The datifor declaration is objected to by the Examiner. Note the attached office Action of form 170-102.						
Priority under 35 U.S.C. § 119						
 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 						
Attachment(s) 1) \[\sum \text{Notice of References Cited (PTO-892)} \]	4) Interview Summers	(PTO-413)				
Notice of References Cited (P10-892) Notice of Draftsperson's Patent Drawing Review (PT0-948)	4)					
3) Information Disclosure Statement(s) (PTO/SB/08)	5) Notice of Informal Pa					
Paper No(s)/Mail Date 6) L. Other:						

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in Graham v. John Deere Co,, 383 U.S. 1,148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

- 1. Determining the scope and contents of the prior art.
- 2. Ascertaining the differences between the prior art and the claims at issue.
- 3. Resolving the level of ordinary skill in the pertinent art.
- 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1,2 4-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ferenzi 4776650 in view of Hayes 4121720. Ferenzi teaches a display 10 for articles such as perfumes or cosmetics and also having a mirror and a light. Hayes '720 teaches a means for suspending a display. To provide Ferenzi with a suspension means as taught

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by Hayes as an alternate supporting means would have been obvious for one having ordinary skill in the art at the time of the invention.

Applicant has amended claim 1 to recite

"and a[n] said upper end including a pivot structure, designed so as to be pivotally mounted "

Applicant has further amended claim 1 to recite

"a vertical panel to which the mirror is attached, the vertical panel extendin¢ downward via a support panel to which the display element is attached, the support panel

being tilted downward relative to the vertical panel at an angle of between 90° and 135°.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See In re Keller, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); In re Merck & Co., 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Applicant's arguments do not comply with 37 CFR 1.111(c) because they do not clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. Further, they do not show how the amendments avoid such references or objections.

The pivot structure is seen to be the element 20, the chain connecting to element 20 and the hook connected to the bracket of Hayes as shown in Figure 1. The vertical panel to which the mirror is attached is the back of the cabinet. It can also be noted that a support panel at 90 degrees to the vertical panel is the bottom ledge of the cabinet. The limitation "between 90 degrees and 135 degrees is not seen to provide any advantage, unexpected or unanticipated result and is seen to be a matter of choice in design.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sarah Purol whose telephone number is 571-272-6834. The examiner can normally be reached on Monday -Thursday during normal business hours.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. Allen Shriver, can be reached on 571-272-6698. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Sarah Purol/

Primary Examiner

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